

THE NEW INDIA LEAGUE

ADYAR, MADRAS

Box 1

I HEARTILY commend these Notes on India's political reconstruction to all who are eager that definite steps shall be taken without delay to hasten the advent of India's freedom and independence. They have been compiled by Mr. Rohit Mehta, Hon. Secretary of the New India League, who has had long experience in the political field and who is also very well versed in the Indian and International situations generally. In his earlier days he suffered imprisonment for his political views, for he is an ardent patriot and has the courage of his convictions. His present outlook is mirrored in these Notes, and he will be very glad to receive comments in the margin provided, or separately. He hopes it may be possible to proceed further if there is sufficient response to his request by way of constructive criticism.

He may be addressed

c/o The Theosophical Society,

Adyar, Madras.

Georgi Anandale

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NOTES ON INDIA'S POLITICAL CONSTITUTION

The enclosed Note on India's Constitution is based on the Commonwealth of India Bill. This Bill, prepared by Dr. Besant in close collaboration with some eminent Indians, rests on four pillars which are fundamental to any Constitution that may be framed for India's future governance. These are :

1. The Principle of Federation
2. The Principle of Decentralization
3. The Principle of basing the State machinery on the Village Panchayat
4. The Principle of Graded Franchise

In the application of the above-mentioned principles there are a few points that need to be considered, and these have been given in the form of questions in the enclosed Note, beginning on page 3. Since the drafting of the Commonwealth of India Bill, new factors have come into Indian politics which need to be incorporated in India's Constitution. If political workers of different shades of opinion in India will state their viewpoints with regard to these and other constitutional questions, a small Committee can then consider all the various views and prepare a Greatest Common Measure of India's constitutional needs. Such a common measure will supply the basis of a future Constitution for India. It is to elicit opinions of various political parties and groups and individuals in India that this Note is being circulated.

A plan for the National Reconstruction of India should have three main divisions :

1. A Political Constitution
2. A National System of Education
3. A Scheme for Economic Organization

All these three plans should be built from the village upwards :

1. By the introduction of a graded franchise, as suggested in the COMMONWEALTH OF INDIA BILL, with universal adult franchise for Village Panchayats, the whole POLITICAL CONSTITUTION of India will be built from the village upwards.
2. By the provision of ELEMENTARY EDUCATION to be under the control of the village, and higher grades of education entrusted to higher units of Government, the NATIONAL SYSTEM OF EDUCATION will also be built from the village upwards.
3. By the laying down of a graduated plan of social and State control in important economic activities, with land in the

main to be owned by the State and administered by the village, the ECONOMIC ORGANIZATION will also be built from the village upwards.

Thus Politics, Education, and Economics will have their roots in the people, and thus the whole National edifice will be *truly* democratic—people exercising their control in accordance with their wisdom and experience.

These three branches of National Reconstruction may be explained in a Preamble to the Commonwealth Act so as to bring out the principles on which the Constitution is sought to be framed.

1. A Federal System of Government :

In the Preamble to the Commonwealth of India Bill it is stated : "The Constitution is of a Federal type with autonomous provinces and the powers of the Commonwealth and Provincial legislatures defined, residuary powers vested in the former."

This means that it is a Federal Constitution with a provision for the Federal or the Central Government to assume emergency powers, as the residuary authority is vested in the Centre. Any Constitution framed for India should bear this sound principle in mind, *viz.* that without weakening the Central authority, the utmost autonomy should be given to the Federating units. This means that in the Constitution the advantages of both the Unitary and the Federal types of government should be combined. In normal times the Federal Government should be a co-ordinating authority allowing the Federating units to function as freely as possible ; but in emergencies the Federal authority must be vested with extraordinary powers.

The points to be considered with regard to the application of the Federal principle are :

(a) Whether the Indian States should be brought into the Indian Federation. If yes, on what conditions ; and if they are to be left out, what will be their position *vis-à-vis* the Indian Federation.

(b) Whether in the future Indian Constitution the Federating units will have a right to secede from the Indian Federation. [In the Soviet Constitution this right is given to the Federating units, and perhaps if such a right is granted to Indian provinces (and States) the indivisibility of India will remain more secure].

(c) Whether the Fundamental Rights of Citizenship as mentioned in the Bill need to be re-stated.

2. A System of Decentralization of Functions :

The Bill has enunciated the principle of the Devolution of Functions, allotting subjects to various administrative units of the Federation, and reserving residuary powers to the Central Federal authority. The distribution of subjects is under three heads : ECONOMIC, EDUCATIONAL, and POLITICAL or PROTECTIVE. Such decentralization will give considerable autonomy to various units and will thus train the citizens in the art of self-government. The three-fold classification is also very sound and must be retained in any Constitution drafted for India.

The points to be considered with regard to this are :

(a) How are the subjects of administration to be allotted between the Federal, the Provincial and

the Sub-Provincial units? The Commonwealth of India Bill has taken the 1919 schedule, while the 1935 schedule is an improvement on this—Should this schedule be taken or the subjects be distributed in a different manner?

(b) If the Indian States come into the Federation, how are the subjects to be distributed between the Federal Authority and the States?

(c) If the States join the Federation, will they be obliged to adopt a scheme of decentralization for their own internal administration? If so, how are the subjects to be distributed among various administrative units within a State?

(d) The dovetailing of the National System of Education should be considered in connection with the Devolution of Functions. The following broad outline may be taken as a basis:

(1) Village Panchayat to be in charge of Elementary Education.

(2) Taluk Sabha to be in charge of Secondary Education.

(3) District Samiti (rural and urban) to be in charge of Collegiate Education.

(4) The Provincial Authority to be in charge of University Education.

(e) How far should education be made free? The Bill provides for free elementary education, but should not the scope of free education be extended?

(f) Whether in the allotment of Economic Functions to various units provision cannot be made for proposals for the economic reconstruction of India. These may be put as under:

(1) Village Panchayats and Taluk Sabhas to control and administer land and cottage industries—land being the collective property of the State, all individual right on land having been eliminated.

(2) The District Authority—both urban and rural—to control and administer the Public Utility Services such as electric and water supply, tramways, and bus transport, etc.

(3) The Provincial Authority to control and administer the key-industries such as textiles, jute, etc.

(4) The Central Federal Authority to control and administer heavy industries, railways, mines, also banks, waterways, etc.

(Details with regard to the exercise of this control and administration will have to be carefully worked out.)

(g) In defining the functions of the Provincial and Federal Authorities mention should be made of the emergency powers of the Federation to enable it to take full charge of an emergent situation. In what manner should these be stated?

3. *A Plan of Broad-based Indian Democracy :*

The Bill has been drafted with a view to avoid top-heaviness which is generally to be found in all national constitutions. The Indian State according to the Bill is to be broad-based on the Village Panchayats. The whole State edifice thus will be like a pyramid built from below upwards. This will make the Indian State really representative of the people. The Village Panchayat will be a truly self-governing unit wielding considerable powers within its sphere. This must be retained at all costs, for it is the most effective way of establishing a 'government of the people, by the people and for the people.'

The points to be considered with regard to this are :

(a) Whether the composition and functions of the Ward Committees should not be separately defined, as their functions are bound to differ from that of the Village Panchayats. Perhaps it would be better to leave out the Wards and treat them as parts of Municipal Administrations giving them certain autonomous powers.

(b) Whether the rural and the urban units should not be separately defined as to their functions, for the rural district authority will have different problems to deal with from the urban district authority.

(c) Whether it should be stated that certain functions of the State being of an international nature should be brought within the jurisdiction of an International Authority, as policies adopted with regard to these subjects by one State are likely to clash with the interests of other Nations. Would not such a provision in the Indian Constitution be a lead to other Nations to put voluntary restrictions on national sovereignty in the interest of international peace? Such subjects would be :

Problems of international communication, territorial limits, racial and national minorities, international banking and exchange, public health, international migration, problems concerning the prevention of war and the production of armaments.

4. *A System of Graded Franchise :*

This is one of the unique contributions of the Commonwealth of India Bill to the field of politics. Its adoption will enable all citizens to participate in the governance of the country in accordance with ability and experience. It means an intelligent co-operation on the part of India's citizens in the administration of the country instead of a passive obedience as in most of the modern democracies. And so the system of Graded Franchise must be retained although its application may need alteration here and there.

The points to be considered in this connection are :

(a) Whether property and income franchise as stated in the Bill should be retained and whether it cannot be completely eliminated.

(b) Whether educational qualification in a graded scale would not be more desirable.

(c) Whether functional franchise can be introduced, also in a graded scale, as functional representation will be more truly representative of the people than a mere geographical representation. Can both geographical and functional franchise be combined ?

(d) Whether there should be provision for greater and more constant contact between the electors and the elected and to this end whether smaller constituencies would not be better.

(e) Whether the schedule of seats given in the Bill should be altered.

(f) What will be the procedure for the Indian States' representation in the Federal Parliament.

(g) Whether there should be any transitory arrangement to satisfy communal representation in the legislatures.

[Please state any other additions or alterations you think necessary so far as the Commonwealth of India Bill is concerned].